

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**SUSIE BROWN,  
APPELLANT  
vs.**

**DIVISION OF EMPLOYMENT SECURITY,  
RESPONDENT**

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DOCKET NUMBER WD71636

DATE: SEPTEMBER 28, 2010

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Appeal from:

Labor and Industrial Relations Commission

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Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Alok Ahuja and Karen King Mitchell, JJ.

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Attorneys:

Samuel I. McHenry, for Appellant

Ninion S. Riley, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**SUSIE BROWN, APPELLANT**

**v.**

**DIVISION OF EMPLOYMENT SECURITY, RESPONDENT**

WD71636

Labor and Industrial Relations Commission

Before Division Two Judges: Joseph M. Ellis, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Susie Brown appeals from a decision issued by the Labor and Industrial Relations Commission denying her request for unemployment benefits. Brown had resigned from her employment with Kansas University Physicians, Inc. and left town after having been beaten by her husband the previous evening. The Commission denied Brown's claim for unemployment benefits because the reason for her unemployment was unrelated to her employer. Brown claims on appeal that the Commission erred in finding that she voluntarily left her employment without good cause attributable to her employer because she was coerced into leaving her employment due to domestic abuse and that her continued employment at Kansas University Physicians and her presence in the Kansas City area threatened her safety in light of death threats made by her husband.

**REVERSED AND REMANDED.**

**Division Two holds:**

- (1) There can be instances where the factual circumstances surrounding a case of domestic abuse are such that the victim has no choice but to resign or temporarily leave their employment and relocate in order to escape serious physical harm thereby rendering unemployment involuntary.
- (2) The Commission erred in focusing entirely upon the issue of whether Brown's reason for unemployment was attributable to her employer and including no findings or analysis as to whether her unemployment was voluntary.

**Opinion by: Joseph M. Ellis, Judge**

Date: September 28, 2010

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